

March 15

Land Development & Transportation Committee
Staff Report
February 22, 2018



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| Case No: | 17ZONE1049 |
| Request: | R-4 & C-1 to C-2 with Conditional Use Permit |
| Project Name: | Williams Self Storage |
| Location: | 4627 Bardstown Road |
| Owner: | John & Shirley Maquire, Raymond & Florence Bischoff |
| Applicant: | John Fox, Williams Properties |
| Representative: | Clifford Ashburner, Dinsmore & Shohl, LLP |
| Jurisdiction: | Louisville Metro |
| Council District: | 22 – Robin Engel |
| Case Manager: | Laura Mattingly, AICP, Planner II |

REQUEST(S)

- Change in zoning from R-4 and C-1 to C-2 on 4.89 acres
- Conditional Use Permit for mini-warehouse with relief for the 30' setback along the eastern and western property lines
- Variance from Section 5.3.1.C.5 to allow proposed structure to encroach into the 50' non-residential to residential setback along the eastern and western property lines
- Waiver of Section 10.2.4 to allow structures to encroach into the 35' property perimeter buffer areas along the eastern and western property lines
- Detailed District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing a mini-warehouse development, totaling approximately 63,750 square feet in total building area on four parcels located in eastern central Louisville, just northwest of the intersection of Bardstown Road and Watterson Trail. The parcels are currently single family lots and two homes are proposed to be demolished. The three parcels along Watterson Trail will be consolidated and the property line running north/south will be shifted toward Watterson Trail. The resulting 75' wide lot along Watterson Trail will not be rezoned with this proposal. The ten mini-storage buildings and office will be constructed on the 4.89 lot, with access from Bardstown Road.

STAFF FINDINGS

Staff finds that this proposal is ready to be scheduled for public hearing. The applicant needs to address Transportation comments regarding right-of-way dedication on Watterson Trail prior to public hearing date.

TECHNICAL REVIEW

- KYTC has agreed to the access from Bardstown Road with the addition of a binding element combining access for this proposal and the property to the west when that property is re-developed for non-residential use.
- MSD comments have been addressed.
- Transportation maintains its request for right-of-way dedication to allow 40' from centerline along the Watterson Trail frontage.

INTERESTED PARTY COMMENTS

Staff received comments regarding the following concerns from Adjoining Property Owners:

- Drainage issues on the subject site if pavement is put down
- Objection to the Variance of the 50' setback due to the residential character of the area
- Tree preservation on the subject site
- Lack of buffering adjacent to the adjoining property owners yards

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------|--------------------------|--|
| 1/24/18 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals |
| | Hearing before PC / BOZA | 1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals |
| | Hearing before PC / BOZA | Sign Posting on property |
| | Hearing before PC / BOZA | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded creating the property lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission hearing.
10. Upon development or redevelopment of the adjacent property to the west, a unified access and circulation system shall be developed and pre-existing access will be eliminated to provide for vehicular movement throughout the adjacent sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to Planning Commission legal counsel shall be recorded prior to the time of construction approval for the adjacent property to be developed. Costs associated with this unified access and circulation system will be the burden of the owner/developer of this site.